

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RODNEY MABRY,

Plaintiff,

v.

CASE NO. 06-12076

HON. LAWRENCE P. ZATKOFF

DR. DANIEL FREEMAN,
ET AL,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM

Plaintiff filed his Complaint on May 5, 2006. Plaintiff's Complaint contains the following two counts:

Count I Violation of 42 U.S.C. § 1983; and

Count II Gross Negligence.

See Complaint.

The Court has subject matter jurisdiction over Count I, because it arises under federal law. *See* 28 U.S.C. § 1331. Count II, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claim of Gross Negligence (Count II) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 18, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 18, 2006.

s/Marie E. Verlinde
Case Manager
(810) 984-3290